





Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761118486026>



CA20N  
L180  
-I51

September 14, 1987

**INFORMATION BULLETIN**

**From: Occupational Health and Safety Division  
Ministry of Labour**

**Re: Worker Right-to-Know and the Workplace Hazardous Materials  
Information System**

In June 1987, both the federal and Ontario governments passed legislation to implement the Workplace Hazardous Materials Information System, or WHMIS, across Canada. WHMIS is designed to give workers the right-to-know about hazardous materials to which they are exposed on the job.

The federal legislation is Bill C-70. It consists, in part, of amendments to the Hazardous Products Act, to govern the sale and importation into Canada of hazardous materials intended for use in the workplace. Ontario's legislation to implement WHMIS is Bill 79, which consists of amendments to the Occupational Health and Safety Act, to govern the use of hazardous materials in the workplace.

The attached information package has been prepared to help you understand what WHMIS is, and to assist you in complying with the new legislation. The information package consists of 3 parts:

1. a description of WHMIS, *see: CA20N L. -85 W53*
2. a description of Bill 79, and
3. a copy of Bill 79. *} see: CA20N XB -87 B57*

For further information about WHMIS, or Bill 79, please contact Sandra Glasbeek, Manager of the Strategic Policy Unit, at 416/965-7005 or Yvonne Slupinski at 965-0260.







6A20N  
L-180  
-I51  
September 14, 1987

**INFORMATION BULLETIN**

**From:** Occupational Health and Safety Division  
**Ministry of Labour**

**Re:** **Worker Right-to-Know and the Workplace Hazardous Materials  
Information System**

In June 1987, both the federal and Ontario governments passed legislation to implement the Workplace Hazardous Materials Information System, or WHMIS, across Canada. WHMIS is designed to give workers the right-to-know about hazardous materials to which they are exposed on the job.

The federal legislation is Bill C-70. It consists, in part, of amendments to the Hazardous Products Act, to govern the sale and importation into Canada of hazardous materials intended for use in the workplace. Ontario's legislation to implement WHMIS is Bill 79, which consists of amendments to the Occupational Health and Safety Act, to govern the use of hazardous materials in the workplace.

The attached information package has been prepared to help you understand what WHMIS is, and to assist you in complying with the new legislation. The information package consists of 3 parts:

1. a description of WHMIS,
2. a description of Bill 79, and
3. a copy of Bill 79.

For more information call the WHMIS  
Information Lines:  
(416) 963-3209 and 1-800-668-8205



**WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM (WHMIS)**





# **WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM (WHMIS)**

## **Table of Contents**

**Background**

**Hazardous Materials**

**Duties of the Supplier**

**Duties of the Employer**

**Duties of the Worker**

**Trade Secrets**

**Application and Enforcement**



## WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM (WHMIS)

### BACKGROUND

#### **What is WHMIS?**

WHMIS is a Canada-wide system designed to give workers information about hazardous materials used in the workplace. Under WHMIS, there are three ways in which information on hazardous materials is to be provided to workers:

1. labels,
2. material safety data sheets, and
3. worker training programs.

#### **Why was WHMIS developed?**

At present, information on hazardous materials in the workplace is often incomplete, inconsistent or not available at all. This means that employers and workers are often unaware of the hazards of a material in the workplace, and of the necessary handling precautions.

The purpose of WHMIS is to make available to all working Canadians a uniform and appropriate quantity and quality of information about hazardous materials used in the workplace.

#### **Who developed WHMIS?**

WHMIS was developed jointly by labour, industry and governments.

#### **When will WHMIS become effective?**

WHMIS will become effective across Canada on October 31, 1988.

## How will WHMIS be implemented?

WHMIS will be implemented by means of complementary federal and provincial legislation. Some of this legislation, at both the federal and provincial levels, has already been passed. The period between passage of the legislation, and the October 31st, 1988 effective date, is intended to give suppliers and employers sufficient lead time to comply with the WHMIS requirements.

There are three pieces of federal legislation relevant to WHMIS.

1. An Amended Hazardous Products Act. On June 30, 1987, the federal government passed amendments to the Hazardous Products Act. These amendments place duties on suppliers, who sell or import a hazardous material for use in a workplace in Canada, to provide labels and material safety data sheets to their customers.
2. A Regulation Respecting Controlled Products. The federal government is currently drafting a Regulation Respecting Controlled Products under the Hazardous Products Act. This regulation prescribes the hazardous materials that will be covered by WHMIS, and also sets out, in detail, the information to be put on a label and a material safety data sheet. It is expected that this regulation will be passed on or before October 31, 1987.
3. Hazardous Materials Information Review Act. On June 30, 1987, the federal government passed the Hazardous Materials Information Review Act. This Act sets out how confidential business information will be handled under WHMIS; and it is further discussed in the section entitled Trade Secrets.

Each province is likely to pass two pieces of legislation to implement WHMIS,



1. amendments to its existing occupational health and safety statute, and
2. a regulation under the occupational health and safety statute.

The provincial legislation will place duties on employers in charge of work sites where hazardous materials are used. Representatives of each province, territory and of the federal government have developed a model regulation, to be used by each province in the development of its WHMIS legislation. There will be some variation, however, among the provinces, depending upon the provisions of the existing occupational health and safety legislation.

In Ontario, on June 29, 1987, the government passed amendments to its Occupational Health and Safety Act to implement WHMIS. These amendments are in Bill 79. As with the federal WHMIS legislation, Bill 79 will not come into force until October 31, 1988.

A regulation, under Bill 79, setting out the details of the employer duties under WHMIS, is currently being developed. This regulation will be based on the model regulation referred to above.

### HAZARDOUS MATERIALS

**What hazardous materials, intended for use in the workplace, are covered by WHMIS?**

Under WHMIS, hazardous materials are referred to as "controlled products", and include the following:

1. compressed gas

2. flammable and combustible material, including

flammable gas  
flammable liquid  
combustible liquid  
flammable solid  
flammable aerosol  
reactive flammable material

3. oxidizing material

4. poisonous and infectious material, including

very toxic and toxic material  
biohazardous infectious material

5. corrosive material

6. dangerously reactive material.

The Regulation Respecting Controlled Products under the federal Hazardous Products Act will include a detailed definition of each of these classes of hazardous material/controlled product.

**Are there exemptions for any hazardous material/controlled product?**

The federal WHMIS legislation does not cover the sale or importation of the following:

1. explosives as defined in the Explosives Act
2. cosmetics, drugs, devices or food as defined in the Food and Drugs Act
3. hazardous waste
4. consumer products
5. pesticides as defined in the Pest Control Products Act

6. radioactive materials regulated under the Atomic Energy Control Act
7. wood or wood products
8. tobacco or tobacco products
9. any manufactured article.

## **DUTIES OF THE SUPPLIER**

### **Who is a supplier?**

A supplier is a person who is a manufacturer, processor or packager of a hazardous material/controlled product or a person who, in the course of business, imports, packages or sells a hazardous material/ controlled product intended for use in a workplace.

### **What are the duties of a supplier?**

1. Suppliers have to determine which of their products, intended for use in workplace in Canada, are hazardous materials/controlled products, under WHMIS.
2. As a condition of sale or importation, suppliers have to provide information about those of their products that are hazardous materials/controlled products. This information is to be provided in the form of a label and a material safety data sheet (MSDS).

### **What information must the supplier put on a label?**

The label of a hazardous material/controlled product must be in both official languages, and include the following information:

1. product identifier
2. hazard symbol(s)
3. risk phrase(s)

4. precautionary measure(s)
5. first aid measure(s)
6. supplier identifier
7. reference to the material safety data sheet.

**What information must the supplier include in a material safety data sheet?**

A material safety data sheet must be prepared in both official languages, and include information relating to each of the following categories:

1. product identification and use
2. hazardous ingredients
3. physical data
4. fire and explosion data
5. reactivity data
6. toxicological properties
7. preventive measures
8. first aid measures
9. date and source of MSDS
10. and any other hazard information of which the supplier is aware or ought reasonably to be aware.

The supplier is not required to conduct testing in order to provide information on the toxicological properties of a hazardous material/controlled product.

A supplier MSDS must be provided to an employer on or before the date of the first shipment of a hazardous material/controlled product.

An MSDS is valid for 3 years, unless new information becomes available, in which case the MSDS must be updated as soon as practicable.



## DUTIES OF THE EMPLOYER

What are the duties of an employer in charge of a work site where hazardous materials/controlled products are used?

An employer in charge of a work site where hazardous materials/controlled products are used has duties relating to:

1. the labelling of hazardous materials/controlled products,
2. MSDSs for hazardous materials/controlled products,
3. worker training.

What are the duties of the employer with respect to the labelling of hazardous materials/controlled products?

1. The employer must ensure that a container of a hazardous material/controlled product, received at the workplace, has a supplier label.
2. If a hazardous material/controlled product is transferred from the supplier container, into another container, the employer must ensure that the container into which the material is transferred has a label. This requirement does not apply in cases where a worker transfers a material from the supplier container, into another container, and that same worker uses the material immediately.
3. For a hazardous material/controlled product that is produced by an in-plant process, as opposed to a material that is purchased from an outside supplier, the employer is responsible for providing a label that identifies the material, has enough information for the immediate safe handling of the material and refers to the MSDS.
4. For a hazardous material/controlled product that is contained in piping systems, reaction vessels or similar conveyances, the employer can use

various labelling devices or a combination of labelling and worker education to ensure identification of the material and its safe handling.

**What are the duties of the employer with respect to material safety data sheets?**

1. The employer must obtain a material safety data sheet from the supplier of a hazardous material/controlled product.
2. The employer can produce his own material safety data sheet for use in the workplace, as long as it contains the same information as the supplier's MSDS, and as long as workers know that a supplier MSDS is also available at the workplace.
3. For a hazardous material/controlled product that is produced by at the workplace, the employer must produce an appropriate MSDS.
4. Material safety data sheets must be readily accessible at the work site, and given to the joint health and safety committee or a worker representative.

**What are the duties of the employer with respect to worker training?**

1. The employer has a duty to train workers so that they understand the information on the labels and material safety data sheets of the hazardous materials/controlled products to which they may be exposed. This means ensuring that a worker understands procedures for the safe handling, use, storage and disposal of a material, and the procedures to be followed in an emergency. In addition, the training program must be related to the workplace's hazard prevention and control program.
2. The employer must consult the joint health and safety committee, or a worker representative when developing the worker training program.

3. The employer must review the training program, at least once a year, in consultation with the joint health and safety committee, or a worker representative.

### DUTIES OF THE WORKER

**What are the duties of the worker who may be exposed to a hazardous material/controlled product on the job?**

The worker is required to participate in the training programs and to use the information he learns to protect his health and safety and that of his co-workers.

### TRADE SECRETS

Legitimate trade secrets will be protected under WHMIS. Suppliers or employers wishing to withhold information from a label or MSDS, on the grounds that that information is a trade secret, must file a claim with an agency of the federal government, the Hazardous Materials Information Review Commission, and pay a fee.

The Commission is a Crown Corporation established under the Hazardous Materials Information Review Act, reporting to Parliament through the federal Minister of Consumer and Corporate Affairs. The Commission is tripartite, with representatives from industry, organized labour and federal and provincial governments.

The Commission has 2 Divisions, the Screening Division and the Appeals Division. The Screening Division assesses the validity of trade secret claims. The Appeals Division sets up tripartite panels to hear appeals to decisions of the Screening Division.

**What is the trade secret claim process?**

1. Any person claiming a trade secret must submit to the Commission, the information that is considered trade secret, information supporting the validity of the claim, a copy of the proposed MSDS or label for the product in question, and a prescribed fee.
2. The Screening Division of the Commission, upon receipt of the claim, publishes a notice in the Canada Gazette, of the filing of the claim, and inviting written comments.
3. The Commission then assesses the validity of the trade secret claim and also reviews the MSDS to ensure accuracy and completeness of the health and safety information. If the health and safety information is considered incomplete, the Commission has the power to order that additional health and safety information be provided on the MSDS.
4. When a decision on the validity of a claim has been made, the Commission will notify the claimant, publish its decision in Part I of the Canada Gazette, and make the record of the decision available to anyone, on written request.
5. If the claim is denied, the product may be withdrawn, or a complete MSDS must be re-issued.
6. The claimant, or any other affected party, can appeal the decision of the Screening Division. If an appeal is made, a tripartite appeals panel will review all information relating to the claim, and either uphold or reverse the decision of the Screening Division.

**How does the Screening Division assess the validity of a trade secret claim?**

The Screening Division assesses a trade secret claim against the following 5 criteria:



1. the extent to which the information is known outside the firm or business,
2. the extent to which the information is known inside the business,
3. the extent of measures taken to guard the secrecy of the information,
4. the present or future value of the information to the firm or the firm's competitors, and
5. the amount of effort or money expended in developing the information.

**Can trade secret information ever be released?**

In a medical emergency, trade secret information will be required to be released, in confidence, to treating medical professionals, if that information is necessary for diagnosis or treatment.

In addition, there are circumstances in which trade secret information can be released, in confidence, to government officials. For example, trade secret information could be disclosed to officials of Ontario's Ministry of Labour for the purpose of ensuring that provincial occupational health and safety law is being complied with.

**APPLICATION AND ENFORCEMENT**

WHMIS applies to all industries and workplaces in Canada, to which existing occupational safety and health legislation applies.

In Ontario, both the federal and provincial right-to-know legislation will be enforced by the same Ministry of Labour inspector who conducts regular workplace visits to ensure compliance with the existing Occupational Health and Safety Act and regulations.



BILL 79, THE OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT





**BILL 79, THE OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT**

**What is the purpose of Bill 79?**

The purpose of Bill 79, the Occupational Health and Safety Amendment Act, is to give both workers and the public the right-to-know about hazardous materials used in the workplace.

**What are the requirements of Bill 79 regarding worker right-to-know?**

Under Bill 79, the employer has duties relating to:

1. workplace inventories,
  2. labels,
  3. material safety data sheets, and
  4. worker training
- 
1. The employer is required to maintain an inventory of all hazardous materials and hazardous physical agents in the workplace. In preparing the inventory, the employer must consult with the joint health and safety committee or a worker representative. Copies of the inventory must be made available to workers, and provided to the joint health and safety committee or a worker representative. Copies of the inventory are also to be provided to the local fire department and the local medical officer of health, as required by regulation, or upon request.
  2. The employer is required to ensure that each container of a hazardous material and each source of a hazardous physical agent is labelled or clearly identified.
  3. The employer is required to ensure that for every hazardous material in the workplace, an unexpired material safety data sheet is available. Copies of the material safety data sheets are to be made available to

workers, provided to the joint health and safety committee or a worker representative; and provided to the local fire department and the local medical officer of health, upon request.

4. The employer is required to provide workers with instruction and training. In developing the training program, the employer must consult the joint health and safety committee or a worker representative.

In Bill 79, the duties of the employer are set out in broad terms. More specific requirements regarding inventories, labels, material safety data sheets and worker training will be set out in a separate regulation.

#### **How does Bill 79 provide for community right-to-know?**

As mentioned above, the employer is required to provide the local medical officer of health with copies of the workplace inventory and of every material safety data sheet, upon request.

The medical officer of health is required to make these copies available to any member of the public who asks to see them.

#### **BILL 79 AND WHMIS**

##### **How does Bill 79 fit in with WHMIS?**

To put WHMIS into effect across Canada requires complementary federal and provincial legislation. Bill 79 is part of the legislation that Ontario must have in place to participate in WHMIS. In addition, and as indicated in previous sections, a separate regulation setting out the details of the employer duties under WHMIS, is currently being developed. The regulation, and Bill 79, will not come into force until October 31, 1988.

The requirements in Bill 79, for employer responsibility regarding labels, material safety data sheets and worker training, are consistent with the WHMIS requirements. In addition, Bill 79 allows for the WHMIS definition of "hazardous material" to be adopted by regulation, to cover hazardous chemical and biological agents. Bill 79 also allows for the protection of trade secret information and for the Ontario government to adopt the WHMIS mechanism for dealing with trade secret information, namely the Hazardous Materials Information Review Commission.

#### **How is Bill 79 different from WHMIS?**

Bill 79 has 3 features that are not a part of WHMIS, but which the Ontario government believes are a valuable addition to right-to-know legislation.

1. While WHMIS covers only hazardous chemical and biological agents, Bill 79 also covers hazardous physical agents. Under Bill 79, the supplier of a thing or device for use in the workplace, which produces a hazardous physical agent when in use, is required to ensure that information on the hazardous physical agent is available. The employer, in turn, is required to obtain information from the supplier, and make it available to workers, and to the joint health and safety committee or to a worker representative.
2. Workplace inventories of hazardous materials are required under Bill 79, but not under WHMIS.
3. WHMIS covers only worker right-to-know, while Bill 79 covers both worker and public right-to-know.

#### **APPLICATION**

Bill 79 applies to all workplaces covered by the Occupational Health and Safety Act.





# Bill 79

*(Chapter 29  
Statutes of Ontario, 1987)*

## **An Act to amend the Occupational Health and Safety Act**

**The Hon. W. Wrye**  
*Minister of Labour*

---

<i>1st Reading</i>	June 8th, 1987
<i>2nd Reading</i>	June 22nd, 1987
<i>3rd Reading</i>	June 25th, 1987
<i>Royal Assent</i>	June 29th, 1987

---



Bill 79

1987

**An Act to amend the  
Occupational Health and Safety Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the statutes of Ontario, 1986, chapter 64, section 44, is further amended by adding thereto the following paragraphs:

10a. "hazardous material" means a biological or chemical agent named or described in the regulations as a hazardous material;

10b. "hazardous physical agent" means a physical agent named or described in the regulations as a hazardous physical agent.

**2.** Subsection 14 (2) of the said Act is amended by adding thereto the following clause:

(aa) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed.

**3.** Part IV of the said Act is amended by adding thereto the following sections:

**22a.**—(1) An employer shall make or cause to be made and shall maintain an inventory of all hazardous materials and all hazardous physical agents that are present in the work place.

Hazardous  
materials  
inventory

(2) The inventory required by subsection (1),

Idem

- (a) shall contain such information as may be prescribed; and
- (b) shall be prepared in consultation with the committee or health and safety representative, if any, for the work place or with a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Idem

(3) Where an inventory required by subsection (1) is amended during a year, the employer, not later than the 1st day of February in the following year, shall prepare a revised version of the inventory incorporating all changes made during the preceding year.

Identification of ingredients

(4) Where, under the regulations, an employer is required to identify or obtain the identity of the ingredients of a hazardous material, the employer is not in contravention of the regulations if the employer has made every effort reasonable in the circumstances to identify or obtain the identity of the ingredients.

Idem

(5) An employer shall advise a Director in writing if, after making reasonable efforts, the employer is unable to identify or obtain the identity of the ingredients of a hazardous material as required by the regulations.

Exception

(6) Except as may be prescribed, subsection (1) does not apply to an employer who undertakes to perform work or supply services on a project in respect of materials to be used on the project.

Floor plans

(7) The employer shall provide a Director and any other prescribed agencies with a floor plan of the work place showing the names of all hazardous materials and their location.

Hazardous material, labels and data sheets

**22b.**—(1) An employer shall ensure that,

- (a) every container present in the work place that contains hazardous material is and remains labelled in the prescribed manner;
- (b) an unexpired material safety data sheet, containing such information and in such form as may be prescribed, is obtained or prepared by the employer; and
- (c) labels and material safety data sheets required by clauses (a) and (b) are available in English and such other language or languages as may be prescribed.



(2) No person shall remove, alter or deface a label described in clause (1) (a) that is on a container. Prohibition

(3) An employer shall ensure that a hazardous material is not used at a work place unless the prescribed requirements concerning labelling, material safety data sheets and worker instruction and training have been complied with. Idem

(4) An employer shall advise a Director in writing if the employer, after making reasonable efforts, is unable to obtain a label or material safety data sheet required by subsection (1). Notice to Director

(5) A material safety data sheet expires three years after the date of its publication. Expiry of material safety data sheet

**22c.**—(1) A copy of the most recent version of the inventory and of every unexpired material safety data sheet required by this Part in respect of hazardous materials in a work place shall be, Inventory and material safety data sheets to be made available

(a) made available by the employer in the work place in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or to a worker selected by the workers to represent them, if there is no committee or health and safety representative;

(c) furnished by the employer to the medical officer of health of the health unit in which the work place is located;

(d) furnished by the employer to the fire department which serves the location in which the work place is located; and

(e) filed by the employer with a Director.

(2) The medical officer of health, at the request of any person, shall request an employer to furnish a copy of the most recent version of the inventory or of an unexpired material safety data sheet, as the case may be. Public access

(3) At the request of any person, the medical officer of health shall make available to the person for inspection a copy of any inventory or material safety data sheet requested by Idem

the person and in the possession of the medical officer of health.

Idem

(4) A medical officer of health shall not disclose the name of any person who makes a request under subsection (2) or (3).

Additional  
requirement

(5) In addition to the requirements imposed under subsection (1), a copy of every material safety data sheet required by subsection (1) shall be made available by the employer in the work place in such a manner that it is readily accessible by all workers who may be exposed to the hazardous material to which it relates.

Time for  
compliance

(6) The Lieutenant Governor in Council may by regulation establish dates by which employers in any industry or class of industry must provide inventories or inventories and material safety data sheets under clauses (1) (c), (d) and (e) and an employer to whom the regulation applies shall have until that date to comply with those clauses unless the medical officer of health, the fire department or a Director requests the employer to provide a copy of the most recent version of the inventory or of an unexpired material safety data sheet.

Assessment  
for hazardous  
materials

**22d.**—(1) Where so prescribed, an employer shall assess all biological and chemical agents produced in the work place for use therein to determine if they are hazardous materials.

Assessments  
to be made  
available

(2) The assessment required by subsection (1) shall be in writing and a copy of it shall be,

(a) made available by the employer in the work place in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or to a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Confidential  
business  
information

**22e.**—(1) Where, but for this section, an employer would be required under this Part to disclose information that the employer considers to be confidential business information in an inventory, label or material safety data sheet, the employer may, in accordance with the regulations, file a claim with the claims board for an exemption from the requirements.

(2) The claims board, in accordance with its procedures, shall determine the validity of every claim filed under subsection (1). Determination of claim

(3) The employer or any worker of the employer or any trade union representing the workers of the employer may, in accordance with the regulations, appeal a determination made under subsection (2). Appeal

(4) The claims board, in accordance with its procedures, shall determine every appeal under subsection (3). Determination of claim

(5) Information that an employer considers to be confidential business information is exempt from disclosure from the time a claim is filed under subsection (1) until the claim is finally determined and thereafter, if the claim is found to be valid. Effect of claim

(6) Where the Parliament of Canada establishes an agency that has the power to determine whether information related to any hazardous material is confidential business information, the Lieutenant Governor in Council may by regulation name that agency as the claims board and adopt its procedures for the purposes of this section. Federal agency

(7) In this section, "claims board" means an agency designated by the regulations as the claims board. Definition

**22f.**—(1) A person who distributes or supplies, directly or indirectly, or manufactures, produces or designs a thing for use in a work place that causes, emits or produces a hazardous physical agent when the thing is in use or operation shall ensure that such information as may be prescribed is readily available respecting the hazardous physical agent and the proper use or operation of the thing. Hazardous physical agents

(2) Where an employer has a thing described in subsection (1) in the work place, the employer shall ensure that the information referred to in that subsection has been obtained and is, Duty of employer

(a) made available in the work place for workers who use or operate the thing or who are likely to be exposed to the hazardous physical agent; and

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or a worker selected by the workers to represent them, if there is no committee or health and safety representative.



## Notices

(3) An employer to whom subsection (2) applies shall post prominent notices identifying and warning of the hazardous physical agent in the part of the work place in which the thing is used or operated or is to be used or operated.

## Idem

(4) Notices required by subsection (3) shall contain such information as may be prescribed and shall be in English and such other language or languages as may be prescribed.

Instruction  
and training

**22g.**—(1) In addition to providing information and instruction to a worker as required by clause 14 (2) (a), an employer shall ensure that a worker exposed or likely to be exposed to a hazardous material or to a hazardous physical agent receives, and that the worker participates in, such instruction and training as may be prescribed.

## Consultation

(2) The instruction and training to be given under subsection (1) shall be developed by the employer in consultation with the committee or health and safety representative, if any, for the work place.

## Review

(3) An employer shall review, in consultation with the committee or health and safety representative, if any, for the work place, the training and instruction provided to a worker and the worker's familiarity therewith at least annually.

## Idem

(4) The review described in subsection (3) shall be held more frequently than annually, if,

- (a) the employer, on the advice of the committee or health and safety representative, if any, for the work place, determines that such reviews are necessary; or
- (b) there is a change in circumstances that may affect the health or safety of a worker.

**4. Clause 28 (1) (l) of the said Act, exclusive of the sub-clauses, is repealed and the following substituted therefor:**

- (l) require in writing, within such time as is specified, a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information, or to provide, at the expense of the person, a report or evaluation made or to be made by a person or organization having special, expert or professional knowledge or qualifications as are specified by the inspector of any process or biological, chemical or physical agents or combina-



tion of such agents present, used or intended for use in a work place and the manner of use, including,

**5. Section 29 of the said Act is amended by adding thereto the following subsection:**

(4a) In addition to the orders that may be made under subsection (4), where an inspector makes an order under subsection (1) for a contravention of section 22b or 22f or a Director has been advised of an employer's inability to obtain an unexpired material safety data sheet, the inspector may order that the hazardous material shall not be used or that the thing that causes, emits or produces the hazardous physical agent not be used or operated until the order is withdrawn or cancelled.

Additional  
orders

**6. Section 34 of the said Act is amended by adding thereto the following subsection:**

(4) Subsection (1) does not apply so as to prevent any person from providing any information in the possession of the person, including confidential business information, in a medical emergency for the purpose of diagnosis or treatment.

Medical  
emergencies

**7. Subsection 41 (2) of the said Act is amended by striking out "and" at the end of paragraph 22 and by adding thereto the following paragraph:**

24. prescribing by name or description any biological or chemical agent as a hazardous material and any physical agent as a hazardous physical agent.

**8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.**

Commence-  
ment

**9. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1987*.**

Short title





